



United States  
of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 107<sup>th</sup> CONGRESS, FIRST SESSION

Vol. 147

WASHINGTON, THURSDAY, NOVEMBER 1, 2001

No. 149

## Senate

The Senate met at 10 a.m. and was called to order by the Honorable ZELL MILLER, a Senator from the State of Georgia.

### PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Gracious God, the source of inner grace and outward joy, You have taught us that it is not just our aptitude, but our attitude, that determines the altitude of our success in our work and in our relationships. We confess that often it is not You but the danger and difficulties of these days that dominate our inner feelings and control our attitudes. It is hard to be up for others when we get down on ourselves. So thank You for this attitude adjustment time we call prayer when we can admit any negative attitudes and submit to the transforming power of Your hope. True hope is faith in action and the constancy of faith in all contradictory circumstances. You have told us that there is no danger of developing eyestrain from looking at the bright side of things. There is a great need for this quality of hope in our Nation this morning. May the attitude of the American people toward our present challenges be uplifted by their trust in You, the positive assurance of Your victory over the tyranny of terrorism, and the inspiring attitude of this Senate and all of us who work in the Senate family. You are our Lord and Saviour. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable ZELL MILLER led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD.)

The assistant legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, November 1, 2001.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable ZELL MILLER, a Senator from the State of Georgia, to perform the duties of the Chair.

ROBERT C. BYRD,  
President pro tempore.

Mr. MILLER thereupon assumed the chair as Acting President pro tempore.

### RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The acting majority leader is recognized.

### SCHEDULE

Mr. REID. Mr. President, this morning there will be two amendments that will be debated for a maximum time of 1 hour each. These amendments are the Gregg school construction amendment and the Landrieu title I targeting amendment.

For the information of all Senators, there will be two votes on these amendments that will occur a little after noon today. Therefore, there will be two back-to-back votes at that time.

As we move forward to complete action on this important appropriations bill—and we are going to complete it today; if not today, we will complete it tomorrow, but we are going to complete action on this bill—Senators should expect other votes throughout the day. We have had no recorded votes the last 2 days, even though the man-

agers have worked through a number of important issues.

In addition, the Senate could also act on several appropriations conference reports as they become available. The first one is going to be voted on in the House about noon today.

As the majority leader announced yesterday, should we complete action on the Labor-HHS Appropriations Act today, and any available conference reports, then it is likely that there would not be any rollcall votes on Friday, November 2. The managers of the bill have been encouraging Senators with amendments on this finite list that has been filed to come to the floor and work with them on these amendments.

When we finish the votes at noon today, Senator BROWNBACK has a number of amendments that the managers have been unable to resolve. I ask he make himself available at that time to offer these amendments.

If there are other Senators wishing to offer amendments, they should come forward and make their amendments known to the rest of us. We have a finite list, but a number of Senators have indicated to the managers and to me that they are not going to offer those amendments. We need to complete action on this bill so we can move forward to other very pressing matters.

Mr. SPECTER. Mr. President, I join the Senator from Nevada in urging our colleagues to come forward. It has been very slow making progress. There were some 62 possible amendments listed. Most of those are place-holders, we know. But anybody who has an amendment to offer ought to come to the floor now. Senator HARKIN and I will be in a position to discuss the matters with you, to see what is acceptable, see what will require rollcall votes, to try to work out time agreements, and try to move ahead to finish this bill as early today as possible.

It is no secret, Senators have a lot of commitments on Friday, and Thursday is the heavy workday. But the sooner

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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we get this bill completed, the sooner we can move ahead and try to get it conferenced and resolved.

Mr. REID. Will the Senator yield for a brief comment? I want to make sure everyone understands what the majority leader said. We are going to complete this bill and conference reports before we leave this week.

Also, if we complete work on the bill, we could move to the D.C. appropriations bill, but at the very least we are going to complete the conference reports and complete this bill before we leave, no matter how long it takes today or tomorrow.

Mr. SPECTER. Or Saturday.

Mr. REID. Or Saturday.

#### RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

#### MEASURE PLACED ON THE CALENDAR—S. 1601

Mr. REID. Mr. President, I understand S. 1601 is at the desk and is due for a second reading.

The ACTING PRESIDENT pro tempore. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 1601) to provide for the conveyance of certain land in Clark County, NV, for use as a shooting range.

Mr. REID. Mr. President, S. 1601 having been read for a second time, then I object to any further proceedings at this time.

The PRESIDENT pro tempore. The bill will be placed on the calendar.

#### DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2002

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of H.R. 3061, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 3061) making appropriations for the Department of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes.

Pending:

Daschle amendment No. 2044, to provide collective bargaining rights for public safety officers employed by States or their political subdivisions.

Gramm amendment No. 2055 (to amendment No. 2044), to preserve the freedom and constitutional rights of firefighters, law enforcement officers and public safety officers.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from New Hampshire is recognized to offer an amendment, on which there shall be 60 minutes debate to be equally divided.

AMENDMENT NO. 2056

Mr. GREGG. Mr. President, I appreciate the courtesy of the two managers of the bill in setting up a timeframe for this amendment.

We have discussed this issue innumerable times in this Chamber. This is the issue of whether or not we are going to fund, at the expense of low-income children, school construction. The amendment is very simple. It takes money which is not authorized—in fact, the dollars which are being spent under this school construction account, that authorization was rejected by this Congress, by this Senate on innumerable occasions—it takes the money which is being spent under this appropriations bill, which is therefore not authorized, and moves it into the authorized account of the title I targeted formula, the targeted formula being that formula which benefits low-income children in this country.

The purpose of funding under the Federal education initiatives has basically two goals. Our primary responsibility as a Federal Government involves two basic areas in elementary and secondary school education. The first is special education funding, IDEA funding.

I congratulate this committee and Senator HARKIN and Senator SPECTER for the tremendous job they have done in the area of funding special education. They have added over \$1 billion in the special education accounts. That is very appropriate.

The second primary purpose authorized by the Federal Government and chosen by us as a Congress as to where we were going to focus Federal attention is in helping low-income children be more competitive in their school systems and have an opportunity to succeed along with kids who do not come from low-income families. Thus, we have put an exceptional commitment of resources into those accounts.

Unfortunately, it is a formula which was put in place 6 years ago to target the Federal money for kids who come from low-income backgrounds. It has never been adequately funded—in fact, was never funded at all until this bill. Instead, we have peeled dollar after dollar off for other programmatic activity, which is not the primary thrust of the Federal effort.

Specifically, in the area of school construction, which we have rejected as a purpose of Federal responsibility, it being traditionally the responsibility of the States and the local communities to make the decisions as to what school construction should occur, we have now put in this bill \$925 million for this program of school construction which is not authorized. We have essentially taken that \$925 million away from the title I children—the low-income kids. We have taken it away from the targeted funding formula.

My amendment very simply takes the unauthorized construction money and moves it back to the authorized

new targeted title I formula so that low-income children will get the dollars and the support from the Federal Government.

The practical implications of this for each State are reflected in a chart which is going to be made available to every Member of the Senate, which I hope they will take the time to review. It shows that every State is essentially a winner under this amendment. The new targeted formula, when initially funded by the \$925 million, significantly increases the money under title I that flows to low-income kids for every State.

What is happening under the school construction money? It doesn't go to low-income children. It can go to rich districts. It can go to poor districts. It can go anywhere you want in the school system. It can also go, for example, for the purposes of school safety, which makes it not only unauthorized under this bill but duplicative of the money we already put into the system for school safety in the Commerce-State-Justice bill.

We are spending \$925 million for bricks and mortar. That was a program rejected by both the Senate and the House. It does not have any strong component of poverty in it. This basically can be a welfare-to-rich-district funding mechanism. It is being done at the expense of low-income kids.

We know for a fact that our low-income children simply aren't getting what they need out of the school system. We are about to reauthorize the ESEA bill in an attempt to do a better job with the dollars that are directed to low-income schools. But we know, regrettably, that 70 percent of the children in high-poverty schools score below the most basic levels in reading; that two out of three African-American and Hispanic fourth graders can barely read; in math in high-poverty schools, they remain two grade levels behind their peers; in reading, they are three to four grade levels behind their peers; that half the students in our urban school districts don't graduate at all.

It makes no sense, when we are supposed to be funding a formula targeted for low-income kids who obviously need more support as reflected by those statistics, that we end up instead funding a bricks-and-mortar program that can go to high-end school districts and which is not authorized and which is duplicative of at least three other major programs we have at the Federal level that are authorized and that are funded.

The result of my amendment is essentially this. A State such as Louisiana—I see the Senator from Louisiana in the Chamber—would receive a 21-percent increase as a result of this amendment in their title I count. It would be targeted. A State such as California would receive a 37-percent increase. It would be targeted to the low-income poverty districts and students.

When we pass the ESEA bill on which we reached agreement in conference,